

CAUCUS SESSION: 7:15 P.M. Municipal Building First Floor Conference Room
Deal and Monmouth Roads
Oakhurst

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Maureen Bonney, Alt IV
Jane Grabelle
Russell Malta
Eric Menell, Alt II
Henry Schepiga, V Chair
Sylvia Sylvia, Alt I
Richard Van Wagner (arriv 8:50 pm)
James Worrell, Alt III
Warren Goode, Chair (arriv 7:35 pm)

MEMBERS ABSENT: Leon Pflaster

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
James Higgins, P.P. Board Planner
William Fitzgerald, P.E. Board Engineer
Marianne Wilensky, Planning Administrator
Rachel Goncharko, Board Secretary
Recording Secretary

Vice Chairman Schepiga announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice was sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on April 2, 2013.

MINUTES FOR APPROVAL

A motion was made by Russell Malta and seconded by James Worrell to approve the **minutes from the meeting of March 14, 2013.**

In Favor: Bonney, Grabelle, Malta, Menell, Schepiga, Sylvia, Worrell
Opposed: None
Ineligible: None
Absent: Pflaster, Van Wagner, Goode

RESOLUTION MEMORIALIZATIONS

Woodshire Apartments, Inc. MOVED: Boney SECOND: Grabelle
Block 1.02 Lot 34 FAVOR: Bonney, Grabelle, Malta, Menell, Schepiga,
2152 Aldrin Road, #5A Sylvia, Worrell
Ocean OPPOSED: None
Denial of Appeal of the INELIGIBLE: None
Zoning Officer's Decision ABSENT: Pflaster, Van Wagner, Goode

Hermes J. Gomez MOVED: Boney SECOND: Grabelle
Block 210 Lot 8 FAVOR: Bonney, Grabelle, Malta, Schepiga, Sylvia,
1204 Lawrence Avenue Worrell
Wanamassa OPPOSED: None
Bulk Variance Approval INELIGIBLE: Menell (Disqualified)
ABSENT: Pflaster, Van Wagner, Goode

CASES CARRIED to May 9, 2013

Madison Lease, LLC

Block 34 Lot 3.01
805 Deal Road
Ocean

CBS Outdoor, Inc.

Block 215 Lot 3
1021 Route 35 North
Ocean

Pinky Mahajan

Block 33.23 Lot 5
610 Carol Avenue
Oakhurst

Nathaniel R. Babayoff

Block 17 Lot 32
319 Roosevelt Avenue
Oakhurst

Marc and Laurie Mizrachi

Block 25 Lot 49
29 Shadow Lawn Drive
Oakhurst

Illiano's of Ocean, Inc.

Block 1.02 Lot 67
933 West Park Avenue
Ocean

Ilene Theodore

Block 175 Lot 6
32 Middlebrook Drive
Ocean

CASE WITHDRAWN WITHOUT PREJUDICE

T-Mobile Northeast, LLC

Block 1, Lots 30, 31, 32
1215-1229 West Park Avenue
Wayside

Chairman Warren Goode arrived at 7:35 p.m.

RESOLUTION OF RECOGNITION

Chairman Goode read a resolution thanking former Board Member David Messer for his years of service to the Board of Adjustment. A motion of approval was made by Warren Goode and seconded by Henry Schepiga.

In Favor: Bonney, Grabelle, Malta, Menell, Schepiga, Sylvia, Worrell, Goode
Opposed: None
Ineligible: None
Absent: Pflaster, Van Wagner

CONTINUED CASES

Route 35 Realty, LLC

Block 141 Lots 7.01, 9
900 Highway 35
Ocean
Zone C-4

This is an application for preliminary and final site plan approval with "d" and "c" variances.

Attorney for the applicant: Peter S. Falvo, Jr., Esquire

The Board's information packet, containing the reports of the Board's professionals, was marked B-2. Board Planner, James Higgins, P.P. and Board Engineer, William Fitzgerald, P.E. summarized their reports. Mr. Higgins said that the architectural plans were never revised and should be resubmitted as a condition of approval.

Chairman Goode asked if the phasing will be bonded. Mr. Higgins said that there should be some sort of mechanism to be sure that it gets constructed and the alternate phase 2 should be bonded.

Attorney for the applicant, Peter S. Falvo, Jr., Esquire submitted the following items into evidence:

- A-9 Revised site plan consisting of 26 pages, dated 8/20/11, revised through 3/28/13.
- A-10 11 x 17 photos of exhibits A-2 – A-8 submitted at the last hearing on 3/14/13
- A-11 Aerial photo showing the proposed loading area.
- A-12 Color rendering of phase 1 dated 4/11/13
- A-13 Updated version of exhibit A-5 showing the loading zone
- A-14 Updated signage plan
- A-15 Updated truck circulation plan
- A-16 Reduced rendering of the alternate plan

Engineer for the applicant, Stephen Atkins, P.E. said that these updates show the revisions made to the plans since the last hearing. He said that Sheet 26 of the site plan is fully engineered to the phase 2 alternate plan. Exhibit A-14 shows all the signage on the property. Mr. Atkins said that they agree to replace the directional signs. Mr. Falvo said that the applicant will complete the fire lane striping in phase 1 and will stripe the loading area. Mr. Atkins said that the applicant has also agreed to remove the vehicles stored in the shared driveway and will provide signage for the fire lane. Mr. Falvo said that the applicant can comply with all the items in Mr. Higgins' report.

Mr. Fitzgerald asked if any new signs will be illuminated as they will have to conform to the lighting ordinance. Mr. Falvo said the signs will not be illuminated.

Mr. Higgins said that a variance is required for the wording on the directional sign. Mr. Falvo said that the sign will be 10 sq ft. and they will eliminate the logo.

Mr. Falvo discussed the alternate plan. The parking area will be removed and replaced with a landscaped area. The alternate plan will take place 36 months from the date of the signing of the developer's agreement by Council. Mr. Falvo agreed to this timeline and said that he will submit a bond proposal. He will bond for phase 1 and the alternate phase 2 at the same time.

Mr. Falvo said that the make-up of the cars will be 25% used and 75% new. He said that F-150 is Ford's biggest seller and the design has not changed in three years, so you would not be able to tell a new truck from a used truck.

Mr. Falvo said that he will work with Mr. Higgins on the tree preservation plan. Mr. Higgins said that he will work with them, but that the Board has to decide on the donation amount. They will have the amount decided for the next meeting.

Mr. Falvo agreed to submit revised architectural plans for the next meeting.

Mr. Atkins said that they are in the process of getting Department of Transportation approvals.

Mr. Falvo said that the planner and the architect will return for the next meeting and they will submit revised architectural plans. Mr. Falvo requested a technical review meeting to discuss the landscaping.

Chairman Goode carried the application to May 9, 2013.

Maurice Pachtinger, M.M.
Master Presentations, LLC

Block 216 Lots 15, 16
1501 Allen Avenue
Wanamassa
Zone C-3

This is an application for a "d" variance.

Attorney for the applicant: Monica C. Kowalski, Esquire

The Board's information packet containing a letter from the Board Attorney and the minutes from the last hearing was marked B-2. Board Attorney, Mark Steinberg,

Esquire went through his letter, describing the previously approved non-conforming uses compared to what is being proposed now.

The planner for the applicant, Jennifer Beahm, P.P. said that it is not clear how the manufacturing use and the offices were used together. The self-storage and the manufacturing uses were two separate uses with no intermingling of the businesses. The current application does not propose manufacturing or assembly. She said that they want to bring the site into conformance. The Board professionals and Ms. Beahm agree that this variance is closest to a D-2 variance, as the non-conforming use is being replaced with a conforming use.

Ms. Beahm gave planning testimony as to the positive aspects of the application. With regard to property maintenance, they will seal the cracks in the parking lot and clean up the site. She said that they will enter into the appropriate agreements for the existing drainage system. Ms. Beahm said that she will work with Mr. Fitzgerald to meet the lighting standards in the parking lot.

Ms. Beahm explained that there are three office suites. The largest office will be used by the applicant with the distribution center and the other two will be leased to individual tenants. Ms. Beahm said that the distribution center and the offices will all be separate from the self-storage use. She said that both are low intensity uses and will be operated separately. The distribution center will have three employees. There are 39 parking spaces on the site, which Ms. Beahm believes is adequate. She said that there is no negative impact to the zone plan and the surrounding area.

The applicant agreed to no parking on Fairmont Avenue. Ms. Wilensky said that she will send a memo to the Township Manager, Andrew Brannen to discuss this with the police and recommend to Council for approval.

A motion to close the public hearing was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Worrell, Goode
Opposed: None
Ineligible: Bonney
Absent: Pflaster, Van Wagner

To be memorialized on May 9, 2013.

Richard Van Wagner arrived at 8:50 PM.

Mr. Worrell left the meeting at 8:50 PM.

NEW CASES

The White House in Oakhurst, LLC
Block 8 Lots 20, 27
45 Monmouth Road
41 Monmouth Road
Oakhurst
Zones C-1/R-1

This is an application for preliminary and final site plan approval, minor subdivision approval and "d" and "c" variances.

Attorney for the applicant: Jennifer S. Krimko,
Esquire

The Board's information packet, containing the reports of the Board Professionals and in-house departments, was marked B-1. Board Planner, James Higgins, P.P. and Board Engineer, William Fitzgerald, P.E. summarized their reports.

Attorney for the applicant, Jennifer S. Krimko, Esquire submitted the following items into evidence:

- A-1 Survey of Block 8 Lot 20, consisting of 1 sheet, dated 1/4/13
- A-2 Minor Subdivision Plat, consisting of 1 sheet, dated 1/4/13
- A-3 Preliminary and Final Site Plans, consisting of 7 sheets, dated 9/2/11, revised through 2/26/13
- A-4 Final Map of Clover Hill recorded in 1977
- A-5 Architectural Plans, consisting of 3 sheets, dated 6/16/12
- A-6 Color rendering of the landscape plan
- A-7 Two aerial images of the site from Bing.com

Project manager for the applicant, David Boesch of Nelson Engineering, described the proposed use. He said that 'restaurant' is the closest definition to the use to be applied to parking standards. Ms. Krimko said that it is similar to a coffee shop, but private gatherings can be held there. Mr. Boesch gave a description of the site and said that the application includes a minor subdivision to take an 18' x 146' portion of the township owned land on Lot 28 and incorporate it into Lot 20.

Mr. Boesch said that they are going to increase the driveway width and create a structured layout for parking with 9' wide stalls and hairpin striping. 19 parking spaces will be provided. There are currently sheds on the property that were included in calculating the gross floor area as they were used for storage, but they will be removed so the gross floor area is being reduced. He said that the facility has a "green" concept and there will be minimal refuse and maximum recycling so they are proposing to use a can corral instead of a dumpster at the northeast corner of the property. Ms. Krimko said that the plans could be engineered to fit a dumpster in the event that the can corrals could not accommodate the present use or a future use. Parking will be green banked for the same situation. Board Attorney Mark Steinberg explained that it could be deed restricted. Ms. Krimko agreed.

A sidewalk is proposed to promote pedestrian use and keeping in tune with the "green" concept. Mr. Fitzgerald suggested that the sidewalk not continue north of the driveway.

Mr. Boesch described the electric car charging station. It will be located on the eastern edge of the parking area so that patrons with electric vehicles can recharge them while visiting the site. Ms. Krimko said that two cars can charge at the same time. Mr. Fitzgerald suggested signage saying "Electric Vehicles Preferred" for the parking spaces near the charging station. Ms. Krimko agreed.

Mr. Boesch addressed drainage concerns in Mr. Fitzgerald's report. He said that there will be curbing around the perimeter of the parking lot and depressed curbing along the North so that water can flow into the basin. Utilities will be added to the plans. Gas lanterns will be used for lighting to provide a warm glow. The signage will be externally illuminated with lighting mounted to the sign and facing down to illuminate it. He said that it will be well below the lighting ordinance requirements. Ms. Krimko said that they can comply with all the remaining items in Mr. Fitzgerald's report.

Mr. Boesch addressed items in Mr. Higgins' report. A sprinkler system will be installed for the landscaping. Fruit trees will be used for replacement street trees. Mr. Higgins said that fruit trees do not count as street trees but that they meet the intent.

Mr. Fitzgerald asked if they obtained county approval. Ms. Krimko said that they received approvals before the subdivision and must resubmit an application that includes the subdivision.

Marwin Meller, 46 Redwood Drive, asked if the charging station will be open when the business is closed.

Andrew Shawn, 26 Monmouth Road, asked the hours of operation.

Per Christensen, the owner of the property, was sworn in to address these questions. He said that his wife is going to be the operator of the business. There will be retail sales of tea and rooms can be rented for private tea parties with food and tea service. Ms. Krimko offered that they be open during regular business hours and closed for private appointments. Normal business hours will be 8 am to midnight, seven days a week. There will be 35 seats.

The Board discussed the use of the charging station, expressing concern that it will be available to the public all day long. Ms. Krimko said that it will be used only during business hours. She said that they will figure out a way to turn it off when the operation is closed.

The architect for the applicant, Robert Hazelrigg said that they are aesthetically cleaning up the building. All the vinyl siding will match. The spiral staircase is being removed and replaced with a standard staircase.

A motion to close the public hearing was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None

A motion to approve the use variance to be used as a commercial use was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None
Ineligible: Bonney
Absent: Pflaster, Worrell

A motion to approve the minor subdivision was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None
Ineligible: Bonney
Absent: Pflaster, Worrell

A motion to approve the bulk variances was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None
Ineligible: Bonney
Absent: Pflaster, Worrell

A motion to approve the site plan was made by Jane Grabelle and seconded by Henry Schepiga.

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None
Ineligible: Bonney
Absent: Pflaster, Worrell

To be memorialized on May 9, 2013.

Meeting adjourned at 9:40 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary